

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (d)) - NONPROFIT ORGANIZATION**

Docket No.
026.00302

Serial No.
PCT/US00/01681

Filing Date
January 21, 2000

Patent No.

Issue Date

Applicant/ Peerce
Patentee:

COPY

Invention: INHIBITORS OF INTESTINAL APICAL MEMBRANE NA/PHOSPHATE CO-TRANSPORTATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The University of Texas System

ADDRESS OF ORGANIZATION: 201 W. 7th Street

Austin, Texas 78701

TYPE OF NONPROFIT ORGANIZATION:

- University or other Institute of Higher Education
- Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- Nonprofit Scientific or Educational under Statute of State of The United States of America
Name of State: _____ Citation of Statute: _____
- Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America
- Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America
Name of State: _____ Citation of Statute: _____

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- the specification to be filed herewith.
- the application identified above.
- the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

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Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern or organization exists.
 each such person, concern or organization is listed below.

FULL NAME

ADDRESS

Individual Small Business Concern Nonprofit Organization

FULL NAME

ADDRESS

Individual Small Business Concern Nonprofit Organization

FULL NAME

ADDRESS

Individual Small Business Concern Nonprofit Organization

FULL NAME

ADDRESS

Individual Small Business Concern Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Ray Farabee

TITLE IN ORGANIZATION:

Vice Chancellor and General Counsel

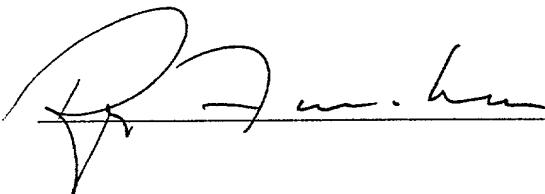
ADDRESS OF PERSON SIGNING:

The University of Texas System

201 W. 7th Street

Austin, Texas 78701

SIGNATURE:



DATE: September 1, 2000

PTO/SB/01 (12-97)

Please type a plus sign (+) inside this box →

Approved for use through 9/30/00. OMB 0611-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

U. S. Parent Application or PCT Parent Number		Parent Filing Date (MM/DD/YYYY)		Parent Patent Number (if applicable)									
PCT/US00/01681		01/21/2000											
<input type="checkbox"/> Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/029 attached hereto.													
As a named Inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: <table border="0" style="width: 100%;"> <tr> <td style="width: 15%;"><input type="checkbox"/> Customer Number</td> <td style="width: 15%;"><input type="checkbox"/> Bar Code Label</td> <td style="width: 10%; text-align: center;">→</td> <td style="width: 60%;"><input type="checkbox"/> File Customer Number Bar Code Label here</td> </tr> <tr> <td colspan="3"><input checked="" type="checkbox"/> Registered practitioner(s) name/registration number listed below</td> <td></td> </tr> </table>						<input type="checkbox"/> Customer Number	<input type="checkbox"/> Bar Code Label	→	<input type="checkbox"/> File Customer Number Bar Code Label here	<input checked="" type="checkbox"/> Registered practitioner(s) name/registration number listed below			
<input type="checkbox"/> Customer Number	<input type="checkbox"/> Bar Code Label	→	<input type="checkbox"/> File Customer Number Bar Code Label here										
<input checked="" type="checkbox"/> Registered practitioner(s) name/registration number listed below													
Name		Registration Number	Name		Registration Number								
Peter Rogalskyj		38,601											
Susan J. Braman		34,103											
Karla M. Weyand		40,223											
<input type="checkbox"/> Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.													
Direct all correspondence to: <input type="checkbox"/> Customer Number or <input type="checkbox"/> Bar Code Label OR <input checked="" type="checkbox"/> Correspondence address below													
Name	Peter Rogalskyj, Esq.												
Address	Braman & Rogalskyj, LLP												
Address	P.O. Box 352												
City	Canandaigua	State	NY	ZIP	14424-0352								
Country	United States of America	Telephone	716-393-3004	Fax	716-393-3001								
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.													
Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor											
Given Name (first and middle if any)			Family Name or Surname										
Brian E.			Pearce										
Inventor's Signature	<i>Brian E. Pearce</i>				Date	9/15/00							
Residence: City	Galveston	State	Texas	Country	U.S.A.	Citizenship	US						
Post Office Address	116 Tarpon Avenue												
Post Office Address													
City	Galveston	State	Texas	ZIP	77550	Country	U.S.A.						
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto													

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ASSIGNMENT

WHEREAS, I, Brian E. Peerce, a United States citizen, residing at 116 Tarpon Avenue, Galveston, Texas 77550, have invented certain new and useful improvements in **INHIBITORS OF INTESTINAL APICAL MEMBRANE NA/PHOSPHATE CO-TRANSPORTATION** for which I have executed an Application for Letters Patent in the United States, filed as U.S. Serial No. 09/646,654 on September 20, 2000;

AND WHEREAS, the Board of Regents, The University of Texas System, with its principal place of business at 201 West 7th Street, Austin, Texas 78701, desires to acquire the entire right, title and interest in and to the said improvements and the said Application:

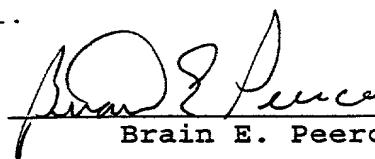
NOW, THEREFORE, for good and valuable consideration including salary or payment for the making of inventions, or employee benefits, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Board of Regents, The University of Texas System, its successors, legal representatives and assigns, the entire right, title and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may have been or which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said Board of Regents, The University of Texas System, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said Board of Regents, The University of Texas System, its successors, legal representatives and assigns, any facts known to me respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said Board of Regents, The University of Texas System, its

successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

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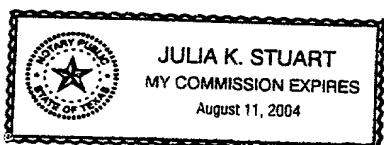
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of October, 2001.



Brain E. Peerce

STATE OF Texas
COUNTY OF Galveston SS: 102-44-9272

This 25 day of October, 2001, before me personally came the above-named **Brain E. Peerce**, to me personally known as the individual who executed the same of his/her own free will for the purposes therein set forth.



Julia K. Stuart

Notary Public